

DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

September 11, 2017

STAFF SUMMARY REPORT

TO: Planning Commission

SUBJECT: Replat

Diane Reese of MTM Realty LLC requests a waiver of the Complete Street requirements for Torino Estate Subdivision per Rogers Code Sec. 14-46(c)(3).

PLANNING OFFICIAL: Lori Ericson

SUMMARY

1. BACKGROUND:

- a) Ms. Reese first requested a lot split in 2013, which was denied due to the number of lots. She went to Planning Commission in February 2014, and a subdivision was approved for the same property without requiring street improvements to Capps Road or S. 26th Street. All lots within the subdivision were to have access to S. 26th Street or W. Capps Road. There was no access easements dedicated on that plat, which included a "gravel drive."
- b) The gravel drive was later paved.
- c) In February 2017, Planning Commission denied a waiver of the street requirements for curb and gutter, street trees, etc. The basis of the denial and refusal to accept a replat was due to the width and construction of the drive not meeting minimum city standards for a minor street.
- d) Applicant has submitted a new replat that includes a 50-foot access easement for the private drive, and a typical street section for street construction that meets the city code for width and thickness.
- e) Applicant requests a waiver of additional street requirements for curb and gutter, sidewalk, street trees and street lights for the private drive.
- f) Lots to be served by city water previously extended to location and septic systems on each lot.

2. FINDINGS: Staff finds that a waiver of the Complete Street requirements of curb and gutter, sidewalk, street trees and street lights for the private drive is appropriate due to the number of lots served.

3. VIEWS OF OTHERS: None.

4. SUGGESTED MOTION: "Motion to approve/deny/table the waiver request for Torino Estates per Rogers Code Section 14-46(c)(3)."

5. RECOMMENDATION: **Approval**

Note: staff recommendations are based on the documentation available at the time they are made and may not reflect all of the information available to the members.


JOHN C. McCURDY, Director
Department of Community Development

Tabs:

1. Replat survey
2. January letter from applicant requesting the waiver
3. Planning Commission minutes of 2.17.17

January 30, 2017

From: MTM Realty LLC

RE: Capps Rd Development – Torino Estates

To: City of Rogers Planning Commission

Please let this letter serve as a formal request for an exception for the private drive "Sandalwood Ct" that runs through the Torino Estates subdivision.

This road has been tested by Materials Testing of Arkansas (see attached) and exceeds the requirements for asphalt and base depths.

We are asking that this road be accepted "as is" for use as a private drive for the Torino Estates subdivision for purposes of mail delivery and trash collection. We would like for all houses to face towards Sandalwood Drive making all homes inward facing. Setbacks and easements have been established as such and a corrected plat has been submitted.

The Community wants a more "natural" look with a flat blacktop drive without curbs and gutters. There are no drainage problems on the property that would require or benefit from curb and gutters being constructed.

Torino Estates' POA would maintain and repair the drive, it would not be the responsibility of the city. Funds will be kept in an account to handle those expenses, collected from POA dues.

It is my understanding that the fire chief named the drive and addresses were established. If there is anything further that you require, please let us know.

If there are any questions or concerns, please feel free to contact Diane Reese at 479-544-7155 or at 2701 W Capps Rd, Rogers, AR 72758.

Most Sincerely,

A handwritten signature in cursive script, appearing to read "Diane Reese".

MTM Realty LLC

Diane Reese – Manager

January 30, 2017

From: MTM Realty LLC

RE: Capps Rd Development – Torino Estates

To: City of Rogers Planning Commission

Please let this letter serve as a formal request for an exception for the private drive "Sandalwood Ct" that runs through the Torino Estates subdivision.

This road has been tested by Materials Testing of Arkansas (see attached) and exceeds the requirements for asphalt and base depths.

We are asking that this road be accepted "as is" for use as a private drive for the Torino Estates subdivision for purposes of mail delivery and trash collection. We would like for all houses to face towards Sandalwood Drive making all homes inward facing. Setbacks and easements have been established as such and a corrected plat has been submitted.

The Community wants a more "natural" look with a flat blacktop drive without curbs and gutters. There are no drainage problems on the property that would require or benefit from curb and gutters being constructed.

Torino Estates' POA would maintain and repair the drive, it would not be the responsibility of the city. Funds will be kept in an account to handle those expenses, collected from POA dues.

It is my understanding that the fire chief named the drive and addresses were established. If there is anything further that you require, please let us know.

If there are any questions or concerns, please feel free to contact Diane Reese at 479-544-7155 or at 2701 W Capps Rd, Rogers, AR 72758.

Most Sincerely,

A handwritten signature in cursive script, appearing to read "Diane Reese".

MTM Realty LLC

Diane Reese – Manager

RPCM – 2/7/17

(Agenda Item #6)

A request by Kerri Elder to rezone a 1.53 acres on the north side of the intersection of W. Maple Street and N. 23rd Street from C-2 (Highway Commercial) to RMF-15B (Residential Multifamily, 15 units per acre with ownership)

Withdrawn

City Planner Ericson reported that an email request was received prior to coming to this meeting asking that this item be withdrawn.

Motion by Noblin, second by Jensen to withdrawn this item.

Voice vote: Unanimous – Yes. **Motion carried.**

NEW BUSINESS:

(Agenda Item #1)

WAIVER, Torino Estates, a five-lot subdivision for a private drive that doesn't meet city street requirements at the northwest corner of W. Capps Road and S. 26th Street in the city's A-1 (Agricultural) zoning district

A representative (name not provided) for the developer, said the request is to waive curb and gutter for the private drive of this six-lot subdivision. The road has been there for almost two years, has been material tested, there have been no drainage issues and will allow for a more natural effect. The houses will face the private street rather than Capps and Perry. The road was previously named and approved by the Fire Chief but was not approved by the Planning Dept.

Ericson said the required width for a minor street is 30-ft. This street is 16-ft. wide; the material testing that was done but does not give details on the base so we don't know what is there. When this came in the street improvements were waived because it was such a small development. Now they want to have a private street which should meet city standards.

Commissioners agreed that the city standards for streets should be met and that private streets should support the weight of fire equipment.

Myers reminded the commissioners that when private drives are development eventually they want the city to accept them and if they are not built to city standards in the beginning then it becomes a tax burden for all citizens of Rogers to fix these streets.

Jensen said he could support waiving the curb and gutter, street trees and sidewalks, but the street needs to be built to the correct width and be able to support the weight of a fire truck.

Denied.

Motion by Jensen, second by Noblin to approve the waiver as requested.

Roll call: Jensen, Moran, Myers, Noblin, Shupe, Zvers and Hayes - No; Spann - abstains. **Motion fails.**

Commissioner Myers as a point of personal privilege recognized a citizen who wanted to ask a question.

Tammy Terry, 15600 Bumblebee Lane, said she has bought of lot in this subdivision and asked what the developer needs to do so that she can get a building permit to build her house.

Planning Staff agreed that they would provide Terry with options to proceed.

(Agenda Item #2)

WAIVER, American Legion, a request to waive the streetlight requirement for a large-scale project for an addition at 711 W. Persimmon Street in the city's R-DP (Residential Duplex Patio) zoning district

Dave Cook and Bob Clinard, representing American Legion Post #100, requested a waiver for a streetlight.

Clinard said the cost to install the decorative pole and light that is required by the city for the American Legion would be around \$8,000 and said that SWEPCO could put up a pole with light for the cost of \$30 a month.

Clinard said there is plenty of light elsewhere on the property and lighting from the Post Office across the street.

Commissioners discussed the requirement of placement of street lights every 200-ft. and the specific pole and light which will be standardized throughout the city.

REPLAT
TORINO ESTATES
ROGERS, ARKANSAS

SURVEY DESCRIPTION (PARENT TRACT) :

PART OF THE SOUTHWEST QUARTER (SW¼) OF THE NORTHEAST QUARTER (NE¼) OF SECTION 22, TOWNSHIP 19 NORTH, RANGE 30 WEST, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A FOUND 5/8" REBAR, BEING THE SW CORNER OF SAID SW¼ OF THE NE¼ OF SECTION 22; SAID POINT BEING IN THE ROADWAY OF W. CAPPS ROAD; THENCE ALONG THE WEST LINE OF SAID SW¼ OF THE NE¼ N03°22'03"E 15.00 FEET TO A SET 5/8" REBAR W/CAP (PLS 1337) FOR THE POINT OF BEGINNING;

THENCE CONTINUING ALONG THE SAID WEST LINE, N03°22'39"E A DISTANCE OF 642.49 FEET TO A SET 5/8" REBAR;

THENCE LEAVING SAID WEST LINE, S87°06'29"E A DISTANCE OF 780.81 FEET TO A SET 5/8" REBAR W/CAP (PLS 1337);

THENCE S87°00'44"E A DISTANCE OF 505.03 FEET TO A SET 5/8" REBAR W/CAP (PLS 1337) IN THE WEST RIGHT-OF-WAY OF S 26TH STREET;

THENCE ALONG SAID WEST RIGHT-OF-WAY S05°03'06"W A DISTANCE OF 137.67 FEET TO A SET 5/8" REBAR W/CAP (PLS 1337);

THENCE 156.59 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 5346.56 FEET, A CENTRAL ANGLE OF 01°40'41", AND A CHORD BEARING OF S04°57'26"W A DISTANCE OF 156.58 FEET TO A SET 5/8" REBAR W/CAP (PLS 1337);

THENCE 121.67 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 5212.54 FEET, A CENTRAL ANGLE OF 01°20'15", AND A CHORD BEARING OF S03°27'58"W A DISTANCE OF 121.67 FEET TO A SET 5/8" REBAR W/CAP (PLS 1337);

THENCE S02°48'28"W A DISTANCE OF 166.56 FEET TO A SET 5/8" REBAR W/CAP (PLS 1337), TO THE INTERSECTION OF SAID WEST R.O.W. AND THE NORTH R.O.W. OF W. CAPPS RD;

THENCE ALONG SAID NORTH RIGHT-OF-WAY S49°59'52"W A DISTANCE OF 20.45 FEET TO A SET 5/8" REBAR W/CAP (PLS 1337);

THENCE N87°11'32"W A DISTANCE OF 195.00 FEET TO A SET 5/8" REBAR W/CAP (PLS 1337);

THENCE S03°07'09"W A DISTANCE OF 19.28 FEET TO A SET 5/8" REBAR W/CAP (PLS 1337);

THENCE N86°52'51"W A DISTANCE OF 39.92 FEET TO A FOUND 5/8" REBAR;

THENCE N86°51'22"W A DISTANCE OF 326.40 FEET TO A FOUND 5/8" REBAR;

THENCE N86°54'14"W A DISTANCE OF 50.07 FEET TO A FOUND 5/8" REBAR;

THENCE N86°53'30"W A DISTANCE OF 654.09 FEET TO THE POINT OF BEGINNING; CONTAINING 823,866 SQUARE FEET OR 18.91 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENT, RIGHT-OF-WAY, OR COVENANTS OF RECORD OR FACT, IF ANY.

SURVEY NOTES:

1. Except as specifically stated or shown on this plat, the survey does not purport to reflect any of the following which may be applicable to the subject real estate:

Easements, other than possible easements which were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations, or any other facts which an accurate and current title search may disclose.

2. Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon were supplied the surveyor.

3. This plat represents a boundary survey of the parcel recorded in Plat Records, Book 2014, Page 109 in the official public record of Benton County, Arkansas.

4. The contractor must determine that proposed structures are clear of all boundary lines, easements, and meet building setback requirements before construction begins.

5. Basis of Bearings: NAD83, State Plane Coordinates, Arkansas North Zone, Checking w/ Rogers City Control Monuments 7 & 8.

6. Basis of Elevation: NAVD88, checking with Rogers City Control Monuments 7 & 8.

7. This survey is valid only if the drawing includes the seal and signature of the surveyor.

8. This survey meets current "Arkansas Minimum Standards for Property Boundary Surveys and Plats".

9. No abstract of title, nor title commitment, nor results of title searches were furnished the surveyor. There may exist other documents of record which would affect this parcel.

10. Declaration is made to the original purchaser of the survey and is not transferable to any additional institutions or subsequent owners.

11. This property is zoned A-1 (Residential), Building setbacks for zone A-1 are as follows:

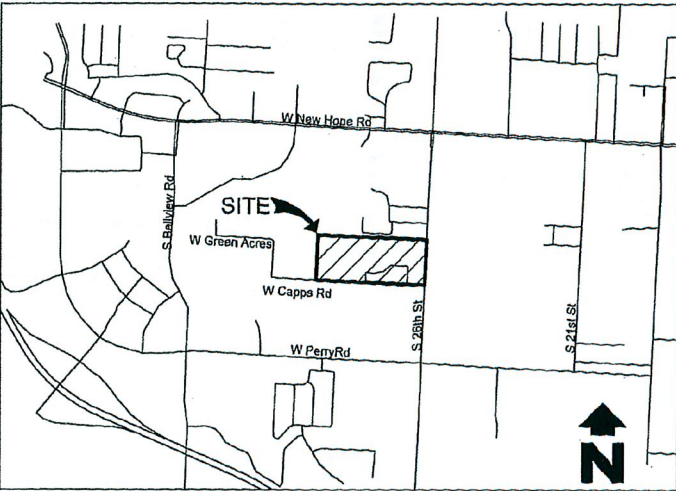
Front 40 Feet
Side(Interior) 20 Feet
Side(R.O.W.) 40 Feet
Rear 35 Feet

12. No attempt was made to show building setback lines graphically on the survey. Setback dimensions are based on the orientation of the building(s) to be constructed.

13. Subsurface and environmental conditions were not examined nor considered a part of this survey.

14. The locations of underground utilities as shown hereon are based on such above ground structures as were visible at the time of survey, and/or from record drawings provided to the surveyor. The location of underground utilities/structures may vary from locations shown hereon. No excavations were made during the progress of this survey to locate underground utilities/structures.

15. No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or facilities.



VICINITY MAP
Scale: 1" = 2,000'



SAND CREEK
Engineering and Landscape Architecture, Inc.
Bentonville, Arkansas (479) 464-9202

Certificate of Ownership

WE, THE UNDERSIGNED OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY ACKNOWLEDGE THAT WE HAVE THE LEGAL RIGHT AND AUTHORITY TO MAKE THE PROPERTY INTEREST GRANTS CONTAINED ON AND WITHIN THIS DOCUMENT. WE, THE UNDERSIGNED OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY ESTABLISH, GRANT, AND DEDICATE TO THE CITY OF ROGERS, ARKANSAS THE EASEMENTS AS SHOWN ON THIS PLAT FOR PUBLIC USE AND BENEFIT. THE CITY OF ROGERS IS GRANTED THE RIGHTS OF INGRESS AND EGRESS TO AND FROM SAID EASEMENTS. THE CITY OF ROGERS IS GRANTED UNRESTRICTED ACCESS TO THE PLATTED PRIVATE STREETS FOR PURPOSES OF ACCESS FOR EMERGENCY SERVICE PERSONNEL. THE CITY OF ROGERS IS GRANTED THE RIGHT AND AUTHORITY TO MAINTAIN, SERVICE, AND IMPROVE SAID EASEMENTS AND THE IMPROVEMENTS CONTAINED THEREIN. ANY RIGHT OR AUTHORITY GRANTED ABOVE SPECIFICALLY REGARDING MAINTENANCE, SERVICE, OR IMPROVEMENT SHALL BE EXERCISED IN A MANNER CHOSEN AT THE DISCRETION OF THE CITY OF ROGERS. SAID EASEMENTS SHALL BE FOR THE BENEFIT OF THE CITY OF ROGERS AND ALL OF ITS FRANCHISED UTILITY PROVIDERS. THE CITY OF ROGERS AND ITS FRANCHISED UTILITY PROVIDERS SHALL HAVE THE RIGHT AND AUTHORITY TO CUT, TRIM, OR REMOVE TREES, SHRUBS, AND OTHER VEGETATION WITHIN SAID EASEMENTS. THE CITY OF ROGERS AND ALL OF ITS FRANCHISED UTILITY PROVIDERS SHALL ALSO HAVE THE RIGHT AND AUTHORITY TO PROHIBIT THE ERECTION OF BUILDING, STRUCTURES, OR FENCES WITHIN SAID EASEMENTS.

Signed _____ Date _____ Signed _____ Date _____
Owner Name Owner Name

State of Arkansas) State of Arkansas)
County of Benton) County of Benton)

Sworn to and subscribed before me this _____ day of _____, 2017. Sworn to and subscribed before me this _____ day of _____, 2017

Notary Public Signature Notary Public Signature

Signed _____ Date _____ Signed _____ Date _____
Owner Name Owner Name

State of Arkansas) State of Arkansas)
County of Benton) County of Benton)

Sworn to and subscribed before me this _____ day of _____, 2017. Sworn to and subscribed before me this _____ day of _____, 2017

Notary Public Signature Notary Public Signature

Department Of Community Development

Approved and recommended for acceptance by the City of Rogers

Department of Community Development this _____ day of _____, 2017.

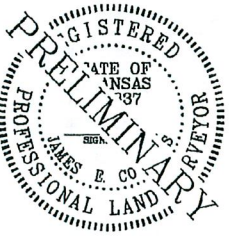
Director of Community Development

Surveyor's Certificate:

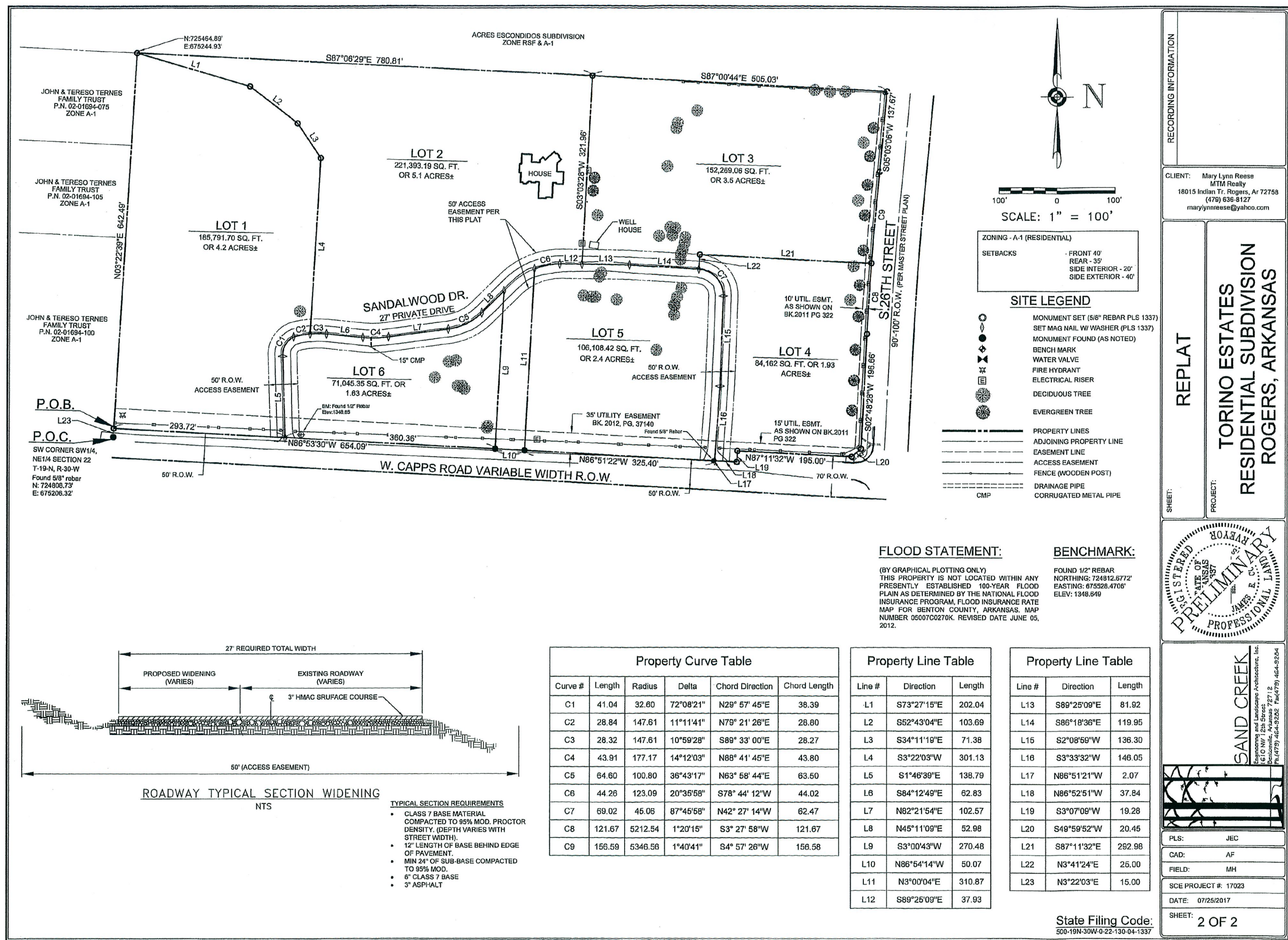
I, James E. Collins, hereby certify that this plat correctly represents a boundary survey made by me and all monuments shown hereon actually exist and their location, size, type, and material are correctly shown.

Date of Execution: _____

James E. Collins
Registered Land Surveyor
State of Arkansas
Registration No. 1337



State Filing Code:
500-19N-30W-0-22-130-04-1337

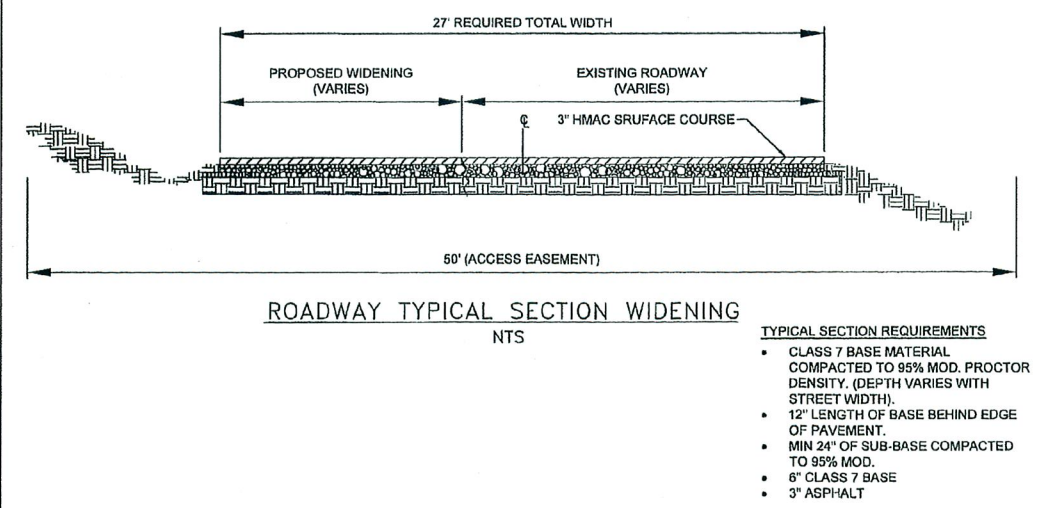


ZONING - A-1 (RESIDENTIAL)
SETBACKS
FRONT - 40'
REAR - 35'
SIDE INTERIOR - 20'
SIDE EXTERIOR - 40'

- SITE LEGEND**
- MONUMENT SET (5/8" REBAR PLS 1337)
 - SET MAG NAIL W/ WASHER (PLS 1337)
 - MONUMENT FOUND (AS NOTED)
 - BENCH MARK
 - WATER VALVE
 - FIRE HYDRANT
 - ELECTRICAL RISER
 - DECIDUOUS TREE
 - EVERGREEN TREE
 - PROPERTY LINES
 - ADJOINING PROPERTY LINE
 - EASEMENT LINE
 - ACCESS EASEMENT
 - FENCE (WOODEN POST)
 - DRAINAGE PIPE
 - CORRUGATED METAL PIPE
 - CMP

FLOOD STATEMENT:
(BY GRAPHICAL PLOTTING ONLY)
THIS PROPERTY IS NOT LOCATED WITHIN ANY PRESENTLY ESTABLISHED 100-YEAR FLOOD PLAIN AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP FOR BENTON COUNTY, ARKANSAS, MAP NUMBER 05007C0270K, REVISED DATE JUNE 05, 2012.

BENCHMARK:
FOUND 1/2" REBAR
NORTHING: 724812.6772'
EASTING: 675526.4708'
ELEV: 1348.649



Property Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	41.04	32.60	72°08'21"	N29° 57' 45"E	38.39
C2	28.84	147.61	11°11'41"	N79° 21' 26"E	28.80
C3	28.32	147.61	10°59'28"	S89° 33' 00"E	28.27
C4	43.91	177.17	14°12'03"	N88° 41' 45"E	43.80
C5	64.60	100.80	36°43'17"	N63° 58' 44"E	63.50
C6	44.26	123.09	20°35'58"	S78° 44' 12"W	44.02
C7	69.02	45.06	87°45'58"	N42° 27' 14"W	62.47
C8	121.67	5212.54	1°20'15"	S3° 27' 58"W	121.67
C9	156.59	5346.56	1°40'41"	S4° 57' 26"W	156.58

Property Line Table		
Line #	Direction	Length
L1	S73°27'15"E	202.04
L2	S52°43'04"E	103.69
L3	S34°11'19"E	71.38
L4	S3°22'03"W	301.13
L5	S1°46'39"E	138.79
L6	S84°12'49"E	62.83
L7	N82°21'54"E	102.57
L8	N45°11'09"E	52.98
L9	S3°00'43"W	270.48
L10	N86°54'14"W	50.07
L11	N3°00'04"E	310.87
L12	S89°25'09"E	37.93

Property Line Table		
Line #	Direction	Length
L13	S89°25'09"E	81.92
L14	S86°18'36"E	119.95
L15	S2°08'59"W	136.30
L16	S3°33'32"W	146.05
L17	N86°51'21"W	2.07
L18	N86°52'51"W	37.84
L19	S3°07'09"W	19.28
L20	S49°59'52"W	20.45
L21	S87°11'32"E	292.98
L22	N3°41'24"E	25.00
L23	N3°22'03"E	15.00

RECORDING INFORMATION

CLIENT: Mary Lynn Reese
MTM Realty
18015 Indian Tr. Rogers, Ar 72758
(479) 636-8127
marylynreese@yahoo.com

SHEET: PROJECT:

**TORINO ESTATES
RESIDENTIAL SUBDIVISION
ROGERS, ARKANSAS**

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
JAMES E. SAND CREEK
PRELIMINARY

PLS: JEC
CAD: AF
FIELD: MH
SCE PROJECT #: 17023
DATE: 07/25/2017
SHEET: 2 OF 2

State Filing Code:
500-19N-30W-0-22-130-04-1337